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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 June 2010_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _107,113,117,118,121,123,125,127,131 and 132_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _107,113,117,118,121,123,125,127,131 and 132_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/17/10

has been entered.

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 113,107,117,118,121,123,125,127,131,132, are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed

invention.

        Applicant has amended the independent claims 113,121,127, to recite the

language of "after adjusting *the AVM value* for predefined financial factors *not*

originally utilized in determining a stored AVM value". This does not appear to have

any support in the specification "as originally filed". Applicant is reminded that it is not

the patent publication that is the legal copy of the specification; it is the originally filed

copy of the specification. That is the copy that the examiner is referring to and working

from. With respect to the disclosure relating to the modified absolute difference

between the price and the AVM value, applicant did not originally disclose that the AVM

value itself is adjusted for predefined financial factors. Paragraph 0029 of the originally

filed specification disclosed the following:

> Still further, DVS queries can be formed based on a "*modified absolute*
> *difference*" in sale price and AVM value, i.e., *the absolute difference discounting various*
> *financial factors*, such as condo fees, insurance rates, tax assessments, reported utility
> rates or any other known or later acknowledged item that can affect the investment
> value of a property. For instance, while a particular user may wish to identify all single-
> family dwellings in a city that are for sale for at least $10,000 below their AVM value, the
> user may desire to discount, change the ordering of, highlight or completely eliminate
> properties that might pass the differential valuation requirement but are encumbered
> by housing association fees, unusual insurance requirements, reside in high-crime
> neighborhoods and so on."

This does not provide support for claiming that the AVM value itself has been

adjusted. It seems to only state that the "absolute difference" is what is being adjusted,

not the AVM value that is used in the modified absolute difference calculation. The

portion of the claim reciting that the AVM value itself has been adjusted is considered to

be new matter that is not supported by the originally filed specification. With respect to

the language that is reciting that the adjustment is for financial factors "*not originally*

utilized in determining a stored AVM value", this language finds no support in the

specification as originally filed. The examiner cannot find in the specification where this

is disclosed. Paragraph 0029 mentions that the adjustment is done for various financial

factors, but it makes no mention at all of the fact that the adjustment is done for factors

not originally taken into account in the original AVM value. The specification was silent

as to this newly claimed limitation. This is considered to be new matter that is not

supported by the originally filed specification.

For claims 121,127, in addition to that addressed above, the examiner takes

notice of the fact that applicant has amended the claim to recite "dynamically updating

and storing in the database AVM values and corresponding DVS values **for each**

property selected by the user from within the identified plurality of properties",

where applicant further claims that the updating and storing is for a geographic region

and real property attributes "*of each property selected by the user*". Claim 121 uses

the language of "from within the identified plurality of properties" with respect to what

properties are updated and stored. The specification as originally filed does not provide

support for claiming that the user is receiving an ordered and ranked list of results, and

then is selecting from the properties listed in the result list, so that those selected

properties will be updates and stored. This is not disclosed in the specification as

originally filed. The examiner has read the original disclosure numerous times and still

cannot find where support comes from for this new claim language. The user is

disclosed as receiving an ordered and ranked list of results, or results in the form of a

map with icons. There is no discussion in the specification as originally filed that the

user selects specific properties from the ordered ranked list, and that those selected

properties are then updated and have their new values stored. The specification as

originally filed simply never disclosed this feature. The specification as originally filed

did disclose updating, but not as claimed. Paragraph 0047 discloses that the AVM

database can be updated. No discussion is found regarding this being responsive to a

user selecting properties from within the list of properties returned by the search query.

Paragraph 0048 also mentions updating but does not provide support for what is

claimed. Paragraph 0067 discloses that the entire database can be updated on an

automatic and periodic basis. This does not involve the selection of individual

properties by the user as claimed. Paragraph 0068 discloses that a given region can

have the properties updated. But again, this is not in response to a user selecting

specific properties from the ordered and ranked list of properties that resulted from the

search query. The specification mentions updating in a few other locations, but none of

them provide support for what is claimed. This is considered to be new matter.

The examiner notes that applicant generally stated that paragraphs 25-47, 70-90

support the claim amendments. That is not very specific as far as exactly where the

claimed limitations are supported in the specification as originally filed and is of little to

no assistance to the examiner. The examiner has reviewed the entire specification as

originally filed, drawings and original claims, no less then 4 separate times and cannot

find where support comes from for the above mentioned limitations. In any further

response applicant is asked to please provide a showing of where support can be found

for any claim amendments in a manner that provides more specificity to the examiner as

opposed to citing dozens of paragraphs from the specification with no explanation of

how they support what is claimed.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 127,131,132, are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

        For claim 127, applicant recites the updating and storing step as being performed

"for each property selected by the user from within the identified plurality of properties".

It is not apparent that there is any claimed step of the user selecting anything at all,

because there is none. It is not clear if there is a step to the user selecting specific

properties from the plurality of properties, so that the updating and storing will be done

for the selected properties. Applicant refers to this step like it has been claimed, but it

has not been claimed and this renders the claim indefinite. Is the step of the user

selecting from the plurality of properties part of the claim scope? This is not clear.

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 113,107,117,121,125,127,132, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Sklarz et al. (20020087389).

        For claim 113,107,121,127, Sklarz discloses a system and method that allows

sellers and buyers of real estate properties to search a database of property records for

properties that match user submitted search queries. In paragraph 003 of Sklarz it is

disclosed "*the invention relates to Web-based services for providing historical real

estate sales information, trend analysis, comparable market analysis, buy/sell signals,

and individually tailored appraisals.*". Also disclosed is that the term "appraisal" is

intended to mean an estimated appraisal, not an appraisal prepared by a human being.

Paragraph 0007 discloses that "sales price prediction" is synonymous with a valuation.

Sklarz discloses the use of valuations that can rely upon many different forms of

valuation methodologies, see paragraph 0007. Paragraph 0008 further discloses a

sales price prediction tool in the form of *using the valuation as a way to produce buy or

sell signals*. Paragraph 005 discloses that real estate information is important to home

buyers and sellers, real estate brokers and agents, as well as financial institutions that

handle loans and mortgages. These are the types of users that are disclosed as being

able to use and benefit from the system of Sklarz, see paragraph 0010. Paragraph

0256 specifically discloses that the system of Sklarz can be used for the benefit of

prospective buyers with the "*objective of indentifying acceptable properties with lower*

predicted sales prices", which equates to lower AVM values. Sklarz disclosed that the

term "predicted sales prices" is synonymous with a valuation. Paragraph 256 teaches

that the valuation (AVM) is an important variable to the individual looking to find

properties during a property search. Sklarz discloses that a user can conduct a

"property search" to identify properties of interest to the user. Paragraph 0016 discloses

that the output information (in the form of property data, sales data, statistical data,

etc.), is generated in response to queries submitted by the users. Queries are

generated using drop down menus and by selecting various options from a user

interface. Figures 3 and 5 are representative of how the user interested in finding

certain properties in a given geographic region can submit their search query. Figure 3

and its associated discussion in the specification disclose that the user submits a

search query that identifies a user defined geographic area of interest. This is shown in

figure 3 as being accomplished by entering state, county, or zip code to define the

geographic area of interest. This satisfies the portion of the claim that recites the user

search query as defining a geographic area of interest. Paragraph 0073 also teaches

that the user can have the geographic region of interest be set to a default value, so that

a frequent user of the system can have the search already limited to their geographic

region of interest where they work and conduct their business. Figure 5 shows the next

step in the search query, which is to define other "attributes" to the properties that the

user is interested in finding. This includes defining at least one other real property

attribute, such as the claimed number of bedrooms. Sklarz teaches that the user can

define "other real property attributes" relating to the property that are to be used in the

search query for the properties. Also see paragraphs 0056 and 0057. In response to

the search query, the computer system automatically conducts a search and returns an

ordered and ranked list of results for display to the user. This is what happens when

one conducts a property search as is disclosed by Sklarz. The user defines the

geographic area of interest, and the user defines at least one other real property

attribute that is to be included in the search query. With respect to the language reciting

that the properties each have an associated real property attribute including at least

price information and an AVM value, the properties in Sklarz inherently have a price

(such as the asking price for a home being sold), and also are disclosed as having an

associated AVM value. In paragraphs 0051 and 0093, Sklarz discloses that periodic

updates are performed. This includes receiving new and updated data from external

sources.

With respect to the performing of the DVS by the computer system "to determine

DVS values" on the identified properties in response to the search query, and the

subsequent display of an ordered ranked list of properties, applicant has claimed that

the DVS could be a ratio calculation that involves the price and the AVM. The claim

scope for the DVS includes a mathematical calculation that is comparing the price and

the AVM to each other by using a ratio. In the opinion of the examiner this reads on the

very well known act of providing a loan to value ratio for a given property where a price

is compared to the "value" (AVM). The loan to value ratio is a known prior art

mathematical technique that compares a price for a property to the perceived value of the property (the AVM). The examiner also takes notice of the fact that Sklarz mentions and refers to loan to value ratios with respect to the type of information that would be of interest to those that deal with real estate information. Sklarz recognizes and teaches that information in the form of average loan to value ratios for properties in a given geographic region are displayed and presented to the user. Paragraph 126 refers to a graph that is charting the "loan to value ". Also see paragraph 137. Paragraph 180 specifically discloses "*Charting average or median mortgage loan to value ratio over time*". For one to be able to chart the average loan to value ratio for a plurality of properties, this requires that you must know each properties individual loan to value ratio at various points in time, including the current time.

Sklarz does not specifically disclose that the DVS value (a ratio calculation) is displayed for the plurality of properties that are identified from the user submitted search query in the form of an ordered list that is ranked based on DVS value.

Sklarz does not specifically disclose all of the specific types of information that could be displayed to a user who is using the system to identify suitable properties (as is taught in paragraph 0256). It naturally follows that the information that one of ordinary skill would find obvious to provide in Sklarz would be the information that an investor of properties, or a buyer of properties, etc., would care about and want to know about. Clearly the price of a given property is the kind of thing that one of ordinary skill in the art would want to know, and is considered to be already taught by Sklarz. The displayed information relating to the identified properties would be similar to that shown

in figure 15 of Sklarz. Information in the form of address, price, number of bedrooms,

baths, etc. are all types of information that are shown as being displayed in figure 15

and would have been of interest to one of ordinary skill in the art. Figure 15 also shows

an ordered ranked listing that is ranked based on ascending price. Sklarz also teaches

that the loan to value ratio (DVS) is an important number that a user of the system

would want to know about. Sklarz would not teach the "*charting of average loan to

value ratios over time*" if that data was not important to those involved with real estate.

As stated previously, for one to be able to chart the average loan to value ratio for a

plurality of properties, this requires that you must know the individual loan to value ratio

(DVS) for each property (so that the average can be calculated). The examiner is

taking the position that Sklarz teaches that price, AVM, and a loan to value ratio (DVS)

are calculated and stored by the system, but not necessarily being displayed to the user

in the results of the search query. Taking into account that the one of ordinary skill in

the art is very aware of the fact that you can compare the price for a home to its

assessed value (automated valuation) by using a loan to value ratio (DVS), one of

ordinary skill in the art at the time the invention was made would have found it obvious

to provide Sklarz with the ability to provide the user of the system with a listing of the

identified properties that satisfy the search query, along with the property information

such as the price (asking price if for sale), AVM, and a calculated loan to value ratio for

the property, because these are the types of information that one of ordinary skill in the

art would find desirable to provide to the users of the system. This is just providing the

user of the system with the kind of information that one of ordinary skill in the art would

be concerned with and would want to provide to their customers anyway. Sklarz

teaches that the system and method can be used by those persons who deal with loans

and mortgages. Individuals who deal with loans and mortgages would be interested in

data such as the price, AVM, and the loan to value ratio (DVS). Purchasers of a home

are concerned with how the asking price relates to a valuation for the home. An asking

price higher than the AVM may indicate an overpriced property. A low asking price that

is lower than the valuation would potentially indicate that the property is undervalued.

That is what the loan to value number indicates to the person using the number, how

the price relates to the AVM. The loan to value ratio is a mathematical calculation that

mortgage loan lenders are well known in the art as utilizing during the process of

granting or denial of home mortgage loans. To provide the results to the property

search in the form of an ordered and ranked property list that displays the DVS (loan to

value ratio) would have been obvious to one of ordinary skill in the art for the above

reasons.

     With respect to the updating and storing of the AVM values and the DVS and

their redisplay (claim 121,127), this flows from the above prior art rejection of record.

Sklarz mentioned period updating of data as has already been addressed. The

rejection of record results in the calculation, storage, and display of the AVM and DVS

(price to AVM ratio). Any subsequent query at a later point in time also satisfies the

claimed updating, because the query would be run again. The updating could be

occurring a year later, and is clearly within the scope of Sklarz. Upon an updated

search query being received for a given geographic region of interest along with other real property attribute information, updated search results are redisplayed as claimed.

For claims 117,125,132, claiming that the ordered list contains properties that each have a price below the AVM depends on the specific properties involved in the search query and is something that will and can occur in Sklarz. When a user in Sklarz identifies a given area of interest, and identifies the number of bedrooms desired, the resulting list of properties will contain properties that have a price above the AVM, the same as the AVM, and/or below the AVM. This is an inherent feature to the properties that would be included in the results for the search query. This situation occurring is entirely dependent on the respective prices and AVMs for the properties in the given area of interest. Assuming that there are properties that do have a price below the AVM, as long as they fall into the user defined geographic area of interest, and as long as they have the required number of bathrooms, they will be listed in the listing of property results.

9.   Claims 118,123,131 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sklarz et al. (20020087389) in view of Florance et al. (20040030616).

For claims 118,123,131, not disclosed is that a map with icons is rendered that provides information on the identified properties as claimed. Florance discloses a real estate system that provides users with real estate information in response to search queries submitted by users. The query results are displayed to the user in the form of maps, as is disclosed in paragraphs 347 and 348, and shown in figure 58. These

paragraphs disclose that the displayed maps allow for the display of the location of the

property on a map by the use of icons and other indicators. Paragraph 348 states that

when the user positions the computer mouse over an icon (that represents a property),

the system displays a pop-up window providing information on the associated property.

It is also disclosed that this feature allows the user to view the overall region in which

the property is location (a desirable feature), as well as the ability to zoom in and out on

the map of the property (another desirable feature). Florance teaches a very desirable

manner by which the results of a property search query may be displayed to the user,

namely the use of maps with icons as claimed. In Sklarz, the results of the submitted

query are provided to the customer, it is just not disclosed that this is done by using a

map as applicant has claimed. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to further use a map with pop up windows as is

disclosed by Florance, so that the results of the query can be presented in a more user

friendly format to the user, including the resulting AVM value, etc.. This is desirable

because it would allow for the viewing of the overall region where the properties are

located, it would allow for the zooming in and out, as disclosed by Florance, as well as

the convenient use of pop-up windows for the display of property related information,

such as the AVM and DVS.

10.   Applicant's arguments with respect to the pending claims have been considered
but are moot in view of the new ground(s) of rejection.

With respect to the claim amendments and the prior art traversal, applicant has
amended the claims to a point where they now read on Sklarz to a large extent. There
is a lot of prior art cited of record in this application, and the art itself is crowded. The
examiner has given the claims extensive and careful consideration and has concluded
that they are obvious in view of the applied prior art. The limitation that applicant has
argued for patentability, is clearly found in Sklarz. The ability to define a geographic
region of interest, and to search for multiple properties in the area of interest that match
a search query is already well known in the art. Sklarz is dealing with providing real
estate information to buyers, sellers, bankers, etc.. That is the same general purpose
that applicant has disclosed in their instant specification. For the reasons articulated in
the rejection of record, the examiner has concluded that the claimed invention is
obvious in view of Sklarz and/or in view of Florance.

11.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808.
The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689